

Local & Munl. (189) Department.

PRINTED.

G.O., No. 1663m

DATED 27-9-28

DESPATCHED

INDEXED.

[Despatch Abstract.]

Establishment - Stating with remarks
that the sanction of Government is not
necessary for the entertainment of temporary
servants on cholera duty but that sanction
should be obtained for the allotment of funds
required for the purpose.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1898} of Madras. LOCAL AND MUNICIPAL.

Recd.

Regd.

} 1898.

Enclosures

Spare copies

G.O., No. 1663 M., 27th September 1898.

SEPTEMBER.

Establishment.

Stating, with remarks, that the sanction of Government is not necessary for the entertainment of temporary servants on cholera duty, but that sanction should be obtained for the allotment of funds required for the purpose.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From M.R.Ry. I. R. MUTTUSWAMI AIYAR Avargal, Chairman-Delegate, Municipal Council, Periyakulam, to the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Madura), dated 15th June 1898, No. 66.

I have the honour to state that from section 42 (2) of Act IV of 1884 as amended by Act III of 1897, it appears that the Chairman may in cases of emergency appoint such temporary servants as may be required for the purposes of the Act without Government sanction, but from G.O., No. 691 M., dated 22nd June 1888, it appears that Government sanction either before or after the appointment of temporary servants is necessary. As the one conflicts with the other, I request orders on the subject. Lately some servants were appointed temporarily on account of the prevalence of cholera; I request to be informed whether Government sanction should be obtained for their appointments also.

N. Dis. No. 1660-Genl.

Forwarded through the Collector of Madura.

20th June 1898.

(Signed) L. G. MOORE,
Ag. Sub-Collector.

N. Dis. No. 1761-Genl.

Forwarded.

2. Under section 42 (2) of the amended Municipal Act, the powers of the Chairman do not seem to be qualified as under the corresponding section of the old Act.

2nd July 1898.

(Signed) J. G. D. PARTRIDGE,
Ag. Collector.

ORDER—No. 1663 M., dated 27th September 1898.

Although section 42 (2) of the District Municipalities Act, as amended, empowers the Chairman of a Municipal Council to appoint temporary servants in cases of emergency and fix their salaries, section 251 gives the Government full power of control in respect to the allotments from which such temporary servants must be paid. There is thus no conflict between section 42 (2) and G.O., No. 691 M., dated 22nd June 1888, which requires that all allotments and transfers of funds relating to establishments should be submitted to Government for sanction.

2. The sanction of Government is not necessary for the entertainment of temporary servants on cholera duty, as the adoption of measures for the prevention of cholera is a matter of emergency within the meaning of section 42 (2) of the Act. But under G.O., No. 691 M., dated 22nd June 1888, and No. 28 of the rules issued in G.O., No. 1536 M., dated 9th September 1896, as they now stand, the sanction of Government should be obtained for the allotment of funds required for the purpose.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Periyakulam.
„ all other Chairmen of Municipal Councils.
„ all Collectors.
„ the Sanitary Commissioner.

Exd. C. M. Thumbaramy.

No. 1663 M., 27TH SEPTEMBER 1898.

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LOCAL AND MUNICIPAL DEPARTMENT.

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No. 1663 M., 27TH SEPTEMBER 1898.

2. The sanction of Government is not necessary for the entertainment of temporary servants on cholera duty, as the adoption of measures for the prevention of cholera is a matter of emergency within the meaning of section 42 (2) of the Act. But under G.O., No. 691 M., dated 22nd June 1888, and No. 28 of the rules issued in G.O., No. 1536 M., dated 9th September 1896, as they now stand, the sanction of Government should be obtained for the allotment of funds required for the purpose.

(True Extract.)

for Secretary to Government.

To the Chairman, Municipal Council, Periyakulam.
„ all other Chairmen of Municipal Councils.
„ all Collectors.
„ the Sanitary Commissioner.

Exd. C. M. Thumbarawmy.

Municipal Office
Periyambalam
Dated 15th June 1898

No 66

LOCAL MUNICIPAL DEPT.
No. 223/M

From

Dr. R. S. R. Muthusami Iyer Esq.,
Chairman Delegation
Municipal Council
Periyambalam.

To,
The Secretary to the Government
of Madras

Local and Municipal Department

Through,
The Sub. Collector
of Madras

Sir,

I have the honor to state
that from section 42(2) of Act IV
of 1884, as amended by Act IV of
1897, it appears that the chairman
may in cases of emergency appoint
such temporary servants as may be
required for the purposes of the Act
without Government sanction,
but

This is required by the
Council of Port for
the alignment
regd for the Establt.

but from G.O dated 22-6-88 No 691, it appears that Government sanction either before or after the appointment of temporary servants is necessary. As the one conflicts with the other, I request orders on the subject. Lately some servants were appointed temporarily on account of the prevalence of cholera. I request to be informed whether Government sanction should be obtained for their appointments also.

I have the honor to be
Yr
your most obedient servant

L. R. Muttaswami
Chairman.

The Memoirs quoted
by the Chairman do
not exist.

Chairman

Chairman

Chairman

Chairman

Chairman

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Chairman

Chairman

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The proofs quoted
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Some servants were appointed temporary

...rily in account of the premature

of Chalesa. I request to be informed

whether Government sanction should

he obtained for their appointments

I have the honor to be

your most obedient servant

that from school. I. P. Muttaswami

of 1884 - 2020 donated by Blauerman, J.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No. 223/M of 1898 , dated 15th June 1898 from the Chairman, M.C., Periyakulam.
Current No. of 189 , dated from the

P.S. Order. No. 1663 in 27-9-98

Although section 42 (2) of the District Municipalities' Act as amended empowers the Chairman of a Municipal Council to appoint temporary servants in cases of emergency and fix their salaries, section 251 gives the Government full power of control in respect to the allotments from which such temporary servants must be paid. There is thus no conflict between section 42 (2) and G.O. L. No. 691 M, dated 22nd June 1888, which requires that all allotments and transfers of funds relating to establishments should be submitted to Government for sanction.

2. The sanction of Government is not necessary for the entertainment of temporary servants

L. G. MOORE.
17 JUN 1898

Dis 1761 of 88 dated 2nd July 1898

Forwarded.

Under Section 42 (2) of
the amended Municipal
Act, the powers of the Chairman
do not seem to be qualified
as under the corresponding
Section of the old Act.

W. D. W. D.

Collector
27th

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Local & Munl. (1898) Department.

CURRENT No. 223/11

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166088
1 Dis 20/6/98

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of Madura.

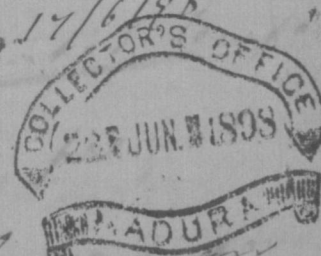
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Acting Sub Collector

Order

10
19.6.98

From



No. 66

Dated 15 June 1898

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Enclosures 2

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SUBJECT.

Requesting to be informed
whether Government
Sanction is necessary
for the appointment of
Temporary Servants.

2/10/97

9-7-98

between these two, he requests definite orders on the point, and enquires whether Government sanction should be obtained for the appointment of temporary servants on cholera duty.

2. Sec. 42(2) of the Act, as amended, empowers the chairman to appoint, in cases of emergency, such temporary servants as may be required for the purposes of this Act, and to direct the payment from the Municipal Fund of the salaries of such temporary servants. But under sec. 251 of the Act, the municipal council can only incur the expenditure required for such establishments under a supplemental budget, which needs the sanction of Government. Reading secs. 42(2) and 251 together, it appears that, although the chairman may himself appoint temporary

servants and fix their salaries, the sanction of Government should be obtained for incurring the expenditure required on their account. Following sec. 251, G.O. No. 691, dated 22 June 1888, lays down that all allotments and transfers of funds relating to establishments should be sanctioned by Government, and there is ^{thus} no conflict between it and sec. 42(2) above referred to, as stated by the chairman. It seems, however, to be unnecessary to re-

quire the sanction of Government for allotments in cases in which the chairman is himself competent to entertain the establishments, seeing that clause (ii) of the proviso to sub-sec. 2 of sec. 42 provides a check against any abuse of his power by the chairman. If this view is concurred in, it will

Let Govt. Sanct. be obtained after the appⁿ.

This, it is submitted, will be inconsistent with the proposal of Mr. Meyer (in cur. No. 33/84) to delegate to municipal councils the power to sanction all allotments of funds relating to establishments, which has been approved by the Secretary recently and the draft order regarding which is under preparation in the office and will be sent up shortly. This has therefore been omitted in the draft order herewith submitted.

V.R.
14/7/98

W.I.

be necessary to modify
G.O. No 691 M. dated 22nd
June 1888. A proposal to
delegate to municipal
councils the power to sanc-
tion all allotments of funds
relating to establishments,
within the prescribed li-
mit, which has been made
by Mr. Meyer in his report
on the reduction of work
in the Local and Munl.
Department, is already
before Government.

3. With regard to his
enquiry, whether the sanc-
tion of Government is ne-
cessary for temporary ser-
vants employed on cholera
duty, the Chairman
may be informed, that as
it is necessary that imme-
diate measures should
be taken for the prevention
of cholera, these cases should
be treated as ^{emergent} within the
meaning of sec. 42(2) and
that he is himself com-
petent to entertain them,
but that, under G.O. No

L.

Vide para 39 of the note flagged N.

L. 691 M. dated 22nd June 1888,
as it now stands, and No
28 of the Rules issued in

M. G.O. No 1536 M. dated 9th
September 1896, sanction
should be obtained for
the allotment of funds
required for the purpose.

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4. In this connection,
it has to be observed that,
while sec. 42(2) provides
for the entertainment of
temporary servants in
emergent cases, there is
nothing in the Act to show
what procedure is to be
adopted in regard to
the entertainment of
temporary servants in
other cases, where there
is no urgency. It
is no doubt desirable in
such cases to require the
prior sanction of Govern-
ment, so that some check
may be exercised on the
action of the Chairman
and the council; but it
is doubtful whether an
order requiring municipal

~~Want till the~~
Sent

6
Councils to obtain the pre-
vious sanction of Govern-
ment for the appointment
of temporary servants in
ordinary cases will not
be ultra vires, seeing that
there is no express provi-
sion in the Act to this
effect.

V.R.
29/5/98

P.C. 7/11/98

1/11/98

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4-10-98
6-10-98
12-10-98

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